

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1144

Introduced by Assembly Member Maze

February 23, 2007

An act to amend Sections 7150 and 8235 of, to add Section 8032.5 to, and to repeal and add Section 7852.2 of, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 1144, as amended, Maze. Fishing licenses and permits.

(1) Existing law requires every person over the age of 16 years who takes any fish, reptile, or amphibian for any purpose other than profit to first obtain a license for that purpose and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license, as provided. Existing law provides for specified exceptions to the license requirement, including a provision requiring the Department of Fish and Game to issue a reduced fee sportfishing license to specified applicants, including a person receiving aid to the aged under certain existing law.

This bill would delete that aid to the aged reduced fee license.

(2) Existing law generally prohibits the renewal of commercial fishing licenses or permits if there is a deadline for a renewal application, but provides a grace period together with a \$50 penalty for renewal applications submitted on or before the last day of the next month immediately following the deadline.

This bill would revise that provision to generally prohibit a commercial fishing license, stamp, permit, or other entitlement for which there is a renewal deadline from being renewed after that deadline.

The bill would require the department to assess a late fee for renewal applications received after the deadline, according to a specified schedule, and would prohibit the department from waiving the applicable late fee. The bill would require the department to deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery. *The bill would authorize an applicant who is denied renewal of a late application to submit a written appeal for renewal to the Fish and Game Commission within 60 days of the date of the department's denial. The bill would authorize the commission, upon consideration of the appeal, to grant renewal, and would require the commission to assess the applicable late fee.*

(3) Existing law generally requires any person who engages in any business for profit involving fish to have a commercial fish business license, and requires specialty licenses for specified classes of fish business. Existing law makes a violation of the provisions of the Fish and Game Code a crime.

This bill would impose additional conditions to be fulfilled with regard to a commercial fish business entitlement, and would provide for suspension or revocation on specified grounds.

Because this bill would impose new requirements on commercial fish business entitlements, a violation of which would be a crime, the bill would impose a state-mandated local program.

(4) Existing law makes it unlawful to take or possess salmon for commercial purposes on a vessel unless the vessel is registered with the department and the owner of the vessel has a valid and properly affixed commercial salmon vessel permit for the use of that vessel. Existing law authorizes the owner of a permitted vessel, or that owner's agent, to apply for renewal of the permit annually on or before March 31. Existing law requires the department, if an owner to whom a permit has been issued, or that owner's agent, applies for renewal of the permit, and the application for the renewal is received in an office of the department, or is postmarked if mailed, after March 31 but on or before April 30, to accept the application and, upon payment of a late fee, to issue the permit for use of the permitted vessel in the subsequent permit year.

This bill would change that renewal deadline to April 30. The bill would require renewal applications to be received or postmarked on or before that date, subject to a prescribed late fee.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7150 of the Fish and Game Code is
2 amended to read:

3 7150. (a) Upon application to the department's headquarters
4 office in Sacramento and payment of a base fee of four dollars
5 (\$4), as adjusted pursuant to Section 713, the following persons,
6 who have not been convicted of any violation of this code, shall
7 be issued a reduced fee sportfishing license that is valid for the
8 calendar year of issue, or, if issued after the beginning of the year,
9 for the remainder thereof and that authorizes the licensee to take
10 any fish, reptile, or amphibians anywhere in this state as otherwise
11 authorized pursuant to this code and regulations adopted pursuant
12 thereto for purposes other than profit:

13 (1) A disabled veteran having a 50 percent or greater service
14 connected disability upon presentation of proof of an honorable
15 discharge from military service and proof of the disability. Proof
16 of the disability shall be by certification from the United States
17 Veterans Administration or by presentation of a license issued
18 pursuant to this paragraph in the preceding license year.

19 (2) A person over 65 years of age who is a resident of this state
20 and whose total monthly income from all sources, including any
21 old age assistance payments, does not exceed the amount in effect
22 on September 1 of each year contained in subdivision (c) of Section
23 12200 of the Welfare and Institutions Code for single persons or
24 subdivision (d) of Section 12200 of the Welfare and Institutions
25 Code combined income for married persons, as adjusted pursuant
26 to that section. *The amount in effect on September 1 of each year*
27 *shall be the amount used to determine eligibility for a reduced fee*
28 *license during the following calendar year.*

~~(b) The amount in effect on September 1 of each year shall be the amount used to determine eligibility for a reduced fee license during the following calendar year.~~

~~(e)~~

(b) A person applying for a reduced fee sportfishing license shall submit adequate documentation for the department to determine whether the applicant is, in fact, eligible for a reduced fee sportfishing license. The documentation shall be in the form of a letter or other document, as specified by the department, from a public agency, except as provided in paragraph (1) of subdivision (a). The department shall not issue a reduced fee sportfishing license to any person unless it is satisfied that the applicant has provided adequate documentation of eligibility for that license.

~~(d)~~

(c) The adjustment of the base fee pursuant to Section 713 specified in subdivision (a) shall be applicable to the fishing license years beginning on or after January 1, 1996.

SEC. 2. Section 7852.2 of the Fish and Game Code is repealed.

SEC. 3. Section 7852.2 is added to the Fish and Game Code, to read:

7852.2. Notwithstanding any other provision of law, a commercial fishing license, stamp, permit, or other entitlement for which there is a renewal deadline shall not be renewed after that deadline except as follows:

(a) In addition to the base fee for the license, stamp, permit, or other entitlement, the department shall assess a late fee for any renewal the application for which is received after the deadline, according to the following schedule:

(1) One to 30 days after the deadline, a fee of one hundred twenty-five dollars (\$125).

(2) Thirty-one to 60 days after the deadline, a fee of two hundred fifty dollars (\$250).

(3) Sixty-one to 90 days after the deadline, a fee of five hundred dollars (\$500).

(4) Ninety-one days or more after the deadline, a fee of one thousand dollars (\$1,000).

(b) The department shall not waive the applicable late fee. The late fees specified in this section are applicable beginning in the 2008 license year, and shall be adjusted annually thereafter pursuant to Section 713.

1 (c) The department shall deny any application for renewal
2 received after March 31 of the permit year following the year in
3 which the applicant last held a valid permit for that fishery.

4 (d) *An applicant who is denied renewal of a late application*
5 *may submit a written appeal for renewal to the commission within*
6 *60 days of the date of the department's denial. The commission,*
7 *upon consideration of the appeal, may grant renewal. If the*
8 *commission grants renewal, it shall assess the applicable late fee*
9 *pursuant to subdivision (a).*

10 SEC. 4. Section 8032.5 is added to the Fish and Game Code,
11 to read:

12 8032.5. Unless otherwise specified, the following conditions
13 apply to each commercial fish business license, permit, or other
14 entitlement pursuant to this article:

15 (a) An application for a commercial fish business license, permit,
16 or other entitlement shall be made on a form containing information
17 as required by the department. The commercial fish business
18 license shall be signed by the holder before use.

19 (b) Any person who has had a commercial fish business license
20 suspended or revoked shall not engage in that business activity,
21 and shall not receive any other commercial fish business license,
22 permit, or other entitlement that authorizes engaging in that
23 business activity, while the suspension or revocation is in effect.

24 (c) The commission, after notice and opportunity for hearing,
25 may suspend, revoke, or cancel commercial fish business privileges
26 for a period of time to be determined by the commission for any
27 of the following reasons:

28 (1) The person was not lawfully entitled to be issued the license,
29 permit, or other entitlement.

30 (2) Any violation of this code, the regulations adopted pursuant
31 thereto, or the terms of the permit or other entitlement by the
32 licensee, permittee, person holding the entitlement, or his or her
33 agent, servant, employee, or person acting under the licensee's,
34 permittee's, or entitled person's direction or control.

35 (3) Any violation of any federal law relating to the fishery for
36 which the license, permit, or other entitlement was issued by the
37 licensee, permittee, person holding the entitlement, or his or her
38 agent, servant, employee, or person acting under the licensee's,
39 permittee's, or entitled person's direction or control.

1 (d) A commercial fish business license, permit, or other
2 entitlement is not transferable unless otherwise expressly specified
3 in this code.

4 (e) Any person who holds a commercial fish business license,
5 permit, or other entitlement, who moves or acquires a new or
6 additional plant, facility, or other place of business for profit
7 involving fish, shall notify the department of the address within
8 three months of commencing business activities at the address.

9 (f) Each plant, facility, or other place of business in which an
10 activity occurs that is required to be licensed under this article
11 shall have a copy of each required license on display and available
12 for inspection at any time by the department.

13 (g) Any person licensed pursuant to this article shall provide
14 the department, at the time of application, with the business name,
15 business address, and business telephone number for all locations
16 doing business under the authority of the person's commercial fish
17 business license, permit, or entitlement.

18 (h) Any person licensed pursuant to this article who is subject
19 to landing taxes as defined in Section 8041, and who has failed to
20 pay all landing taxes and penalties pursuant to Section 8053, shall
21 not be allowed to renew their commercial fish business license,
22 permit, or entitlement until payment is made in full to the
23 department.

24 (i) Any person licensed pursuant to this article who is subject
25 to landing taxes as defined in Section 8041, who fails to submit
26 landing receipts pursuant to Section 8046, may be subject to
27 suspension or revocation of their commercial fish business license,
28 permit, or entitlement.

29 SEC. 5. Section 8235 of the Fish and Game Code is amended
30 to read:

31 8235. (a) The owner of a permitted vessel, or that owner's
32 agent, may apply for renewal of the permit annually on or before
33 April 30, upon payment of the fees established under subdivision
34 (b), without penalty. Upon receipt of the application and fees, the
35 department shall issue the permit for use of the permitted vessel
36 in the subsequent permit year only to the owner of the permitted
37 vessel.

38 (b) The department shall fix the annual fee for the renewal of
39 the permit in an amount it determines to be necessary to pay the
40 reasonable costs of implementing and administering this article.

1 (c) If an owner to whom a permit has been issued, or that
2 owner's agent, applies for renewal of the permit, the application
3 for renewal shall be received or, if mailed, postmarked on or before
4 April 30. An application received or, if mailed, postmarked after
5 April 30 will be assessed a late fee subject to Section 7852.2. The
6 department shall issue the permit for use of the permitted vessel
7 in the subsequent permit year.

8 (d) The department shall suspend any late fees otherwise due
9 under subdivision (c) and shall issue a permit for use of the
10 permitted vessel in the subsequent permit year if the department
11 is unable to accept applications for renewal of permits by March
12 1.

13 (e) Except as provided in subdivision (c), the department shall
14 not renew a permit for which the application for renewal is not
15 received, or, if mailed, is received or postmarked after expiration
16 of the permit.

17 SEC. 6. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.